

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW TIMOTHY,

Defendant.

4:23CR3059

ORDER

Defendant has moved to continue the pretrial motion deadline by 60 days (Filing No. 35), because Defendant and defense counsel need additional time to fully review the discovery due to additional discovery materials that defense just became aware of. The Court held a status call with counsel on March 28, 2024. After conferring with counsel, the motion to continue is denied without prejudice to reassertion once Defendant and defense counsel have had the opportunity to review the newly produced discovery. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 35), is denied without prejudice to reassertion.
- 2) The change of plea hearing previously scheduled to be held on April 11, 2024, is canceled. A telephonic conference with counsel will be held before the undersigned magistrate judge at 10:30 a.m. on May 28, 2024 to discuss potential pretrial motions, setting any change of plea hearing, or the date of the jury trial and deadlines for disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and May 28, 2024 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have

been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 28th day of March, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge